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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------------|------------------------|
| 09/439,550 | 11/12/1999 | CHRISTOPHER T. GRASTEIT | TELA-07735US0 | 1780 |
| 23910 | 7590 | 05/18/2007 | | |
| FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108 | | | EXAMINER COLBERT, ELLA | |
| | | | ART UNIT 3694 | PAPER NUMBER |
| | | | MAIL DATE 05/18/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/439,550 | Applicant(s) GRASTEIT, CHRISTOPHER T. | |
| | Examiner Ella Colbert | Art Unit 3694 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4, and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3, 4, and 6-16 are pending. Claims 1, 3, 6, 12, and 15 have been amended in this communication filed 02/20/07 entered as Response After Non-Final Action and Request for Extension of Time.
2. The claim objection for claim 3 has been overcome by Applicant's amendment to claim 3 and is hereby withdrawn.
3. The 35 USC 112, first paragraph rejection of claims 1, 3, 6, 12, and 15 has been overcome by Applicant's amendment to claims 1, 3, 6, 12, and 15 and is hereby withdrawn.
4. The 35 USC 112, second paragraph rejection of claims 1, 3, 6, 12, and 15 has been overcome by Applicant's amendment to claims 1, 3, 6, 12 and 15 and is hereby withdrawn.

Abstract

5. The abstract of the disclosure is objected to because it has been noted that the Abstract filed 09/16/02 is not on a separate page. Correction is required. See MPEP § 608.01(b).

Specification

6. The Specification is objected to because on page 2, line 20 recites "http://www.mapsonus.com". This line should recite "mapsonus.com". Line 4, page 3 has a similar problem. Hypertext links are not permitted in the Specification. Page 4, line 5 recites "Attorney Docket No. ETAK 7730MCF/BBM" which needs to be removed and replaced with the application number or patent number or pending or

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abandoned. Page 5, line 6 recites "Lat Longs". Page 20, line 15 has a similar problem. This should be Lat/Long. Page 8, lines 9 and 10 recite "1st St". These lines should recite "First Street". Page 8, line 11 recites "19th". This line should recite "nineteenth". Page 16, line 11, line 16, and line 19 recite "1/2 way" and "1/4". This should be "half-way" and "one-fourth". Page 21, lines 24 and 25 have a similar problem. Page 23, line 9 recites the acronym "SCF". It is unclear what "SCF" stands for as a class match. Page 29, line 5, has an acronym which is "rf". This should be written as "radio frequency (rf)". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 3 recite "map database". The only mention of "map database" is on page 12, line 22. However, "geocoded database(s)" is referenced through out the Specification. The Specification recites "geocoded database". Also the Specification references "mapquest database" and "mapquest query". It is unclear from the Specification whether there are more than one database of just one database for the

invention because a "mapquest database", "a map database", and geocoded database(s)".

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 6, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 in the last claim limitation recites "... to its endpoint". Does Applicant mean "... to the radial's endpoint"?

Claim 6 recites the limitation "data item" in line 7. Claim 15 recites the limitation "the radials" and "data items" in the last claim limitation. The other limitations recite "plurality of radials" and "data item". There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 7-11, 13, 14 and 16 are also rejected because they depend from a rejected base claim.

Inquiries


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 11, 2007


ELLA COLBERT
PRIMARY EXAMINER